

Remarks/Arguments

1. Claims amendments

As required by the examiner, claim 1 is amended to recite "A method of ... " and claims 2, 3 and 5 recite "The method according to claim 1 ...". A typo is also corrected in claim 1.

2. Claim rejections – 35 USC §103

New prior art is cited by the examiner. The Applicants consider that neither Saito (US 5,504,933), nor Mason (US 4,736,422) either taken alone or in combination, disclose a method of distributing encrypted portions of an audiovisual program to user terminals in accordance with Claim 1.

A. The Examiner still fails to show in the prior art where the disclosed feature of "upon completion of the telephone communication with a user terminal, duration of telephone communication is determined in said call center as to draw up a bill corresponding to the reception of the program by the user terminal" in this response.

It is clear that the teaching of Saito (in view of Mason) at best discloses that any charges that would be incurred by a user would be performed right after the request for purchasing a program would be received at the "charging center" in Saito. This is in contrast to the present invention where a bill is drawn up where the "duration of telephone communication is determined in said call center to draw up a bill corresponding to the reception of the program by the user terminal". This would be the case where a bill is determined which is not based exclusively on the program itself, but the duration of the telephone communication (where the scrambling codes are transmitted during the telephone call). Thus, the basis of billing a user is different in the present invention, over the cited prior art.

B. Saito discloses a “pay-per-program” system using two different communication paths, one path along cable or radio wave for transmitting scrambled television signal and one path along telephone line for transmitting a permit code used to descramble TV signal.

Saito fails to disclose “**transmitting in sequence** from said call center and **during the telephone communication the keys** to the user terminal over said telephone communication, said keys are **used for descrambling said audiovisual program**, where said telephone transmission of said keys is performed in a manner synchronized with the distribution of the successive encrypted portions of the program”. Secondly, nowhere Saito discloses the feature that “upon completion of the telephone communication with a user terminal, **duration of telephone communication** is determined in said call center as to **draw up a bill** corresponding to the reception of the program by the user terminal”.

On the contrary Saito discloses that **a unique key** is used to scramble each program and that fees are collected **by** program, not according to phone call duration. (see column 7 lines 6 to 13 “the charging center sends **decode data of the program**, to which a viewing request has been made to the data communication device via public telephone line and collects **a fee for the program**”). Indeed, in Saito, the phone call duration is not linked to the program since a unique key is needed at the beginning of the program, therefore it non obvious for the skilled in the art to disclose a bill based on the duration of a phone call for keys transmission.

Mason discloses a conditional access system for transmitting and receiving scrambled television signals using a hierarchical key infrastructure with 3 levels. The system comprises a session key, a distribution key and a period key. The session key or scrambling key is used to descramble TV signal and updated even one to ten second (see column 2 lines 24 to 34). The period key is common to all subscribers, is used to carry the session key (see

column 2 lines 58 to 60) and is updated on a longer period. The distribution key is a customer unique key stored in the security device and is used to carry the period key.

The applicant considers that Mason does not cure the deficiencies of Saito because a combination of both teachings is impossible. Mason discloses that **the program and sequence of keys are transmitted necessarily in a single communication path** (see column 2, lines 33 to 35 "Clearly **the only ways to send a new session key**, that changes every few seconds, **is with the broadcast signals**" and later column 3 lines 10 to 12 "the scrambled information signal, the scrambling session keys and the scrambled second key are transmitted using any suitable equipment"). Therefore, if Saito discloses one communication path for TV signals and one communication path for key, these 2 distinct communications paths are contrary to Mason teachings. Moreover, the Examiner does not explain why one wouldn't simply adopt the solution of Mason without having to refer to Saito. Indeed in view of Mason, it is non obvious to disclose that a telephone transmission of keys is performed in a manner **synchronized** with the distribution of the successive encrypted portions of the program" as recited in claim 1.

Claim 1 is therefore non obvious over cited prior art. The claims 2, 3 and 5 that depend on Claim 1 are also novel and non obvious over cited prior art for the same reasons as those mentioned with respect to Claim 1.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

It is believed that no fee is due in connection with the aforementioned

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amendment. However, if any fee is due, please charge it to Deposit Account No. 07-0832.

Respectfully submitted,
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